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Heather A. Zadina

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

R&S WELL SERVICE, INC., a Wyoming)
Corporation, and MARKEL INSURANCE)
COMPANY, a Virginia Corporation)

Plaintiffs,)

vs.)

Docket No. 09 CV 72

BRIAN THIESSEN, an individual)

Defendant.)

DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION
WITHOUT CITATION

The Defendant Brian Thiessen, submits the additional instruction below for
submission to the jury in this matter:

28. Measure of Damages for Personal Property - W.C.P.J.I. 4.07 (as modified);
Hopper v. All-Pet Animal Clinic, 861 P.2d 531, 548 (Wyo. 1993)

DATED this 16th day of July, 2010.

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By: 

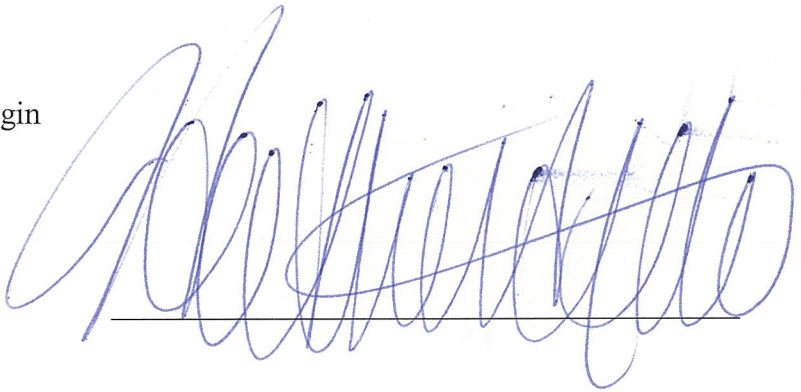
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CERTIFICATE OF SERVICE

This is to certify that on this 11th day of July, 2010, a true and correct copy of the foregoing **DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS WITHOUT CITATION**, was served electronically or by U.S. mail, if necessary, upon the following:

Mark Gifford
Kelley Anderson
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243 South Park Street
Casper, Wyoming 82602

Julie Tiedeken
Brian Hunter
McKellar, Tiedeken, & Scoggin
702 Randall Avenue
Cheyenne, Wyoming 82001



INSTRUCTION NO. _____

LOSS OF PROFITS

Lost Profits are calculated based on a "net" figure requiring proof that: (1) net profits were lost; (2) the amount of those profits can be determined with a reasonable degree of certainty; and (3) the Defendant's breach was the proximate cause of the lost profits.

Whether these elements of damage have been proved by the evidence is for you to determine.

GIVEN:

Judge